THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.26978 OF 2005

DATED 15-12-2006

Between:

B. Ramesh

.. Petitioner

And

The Government of Andhra Pradesh represented by its Principal Secretary, Irrigation Department and others.

.. Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.26978 OF 2005

Oral Order:

In substance, the grievance of the petitioner is as regards the order of the learned Senior Civil Judge, Wanaparthy dated 14-10-2004 in O.P.No.507 of 1985 whereby the court below held that the petitioner was already paid interest on solatium as ordered in O.P.No.507 of 1985 and as confirmed by this Court in A.S.No.40 of 1988 by the order dated 31-01-1989 and hence he is not entitled for any further amount.

The petitioner's land was acquired pursuant to the notification under Section 4(1) of the Land Acquisition Act,1894 (for short "the Act") dated 3-10-1974. Eventually an award was passed on 15-12-1976 awarding a total amount of Rs.8,050/- @ Rs.3,500/- per acre, for his land. The petitioner, not satisfied with the quantum of compensation, sought a reference under Sec.18 of the Act, in O.P.No.507 of 1985. An award was passed on 06-07-1987 enhancing the market value to Rs.7,500/- per acre. Consequent thereto, the State deposited Rs.1,97,000/- on 05-03-1988 including the amount due to the petitioner and certain other claimants of the acquired lands, as per the calculation of the State. This amount was, however, deposited allegedly without notice to the petitioner. Thereafter, the petitioner filed I.A.No.58 of 1998 wherein he claimed Rs.1,26,611/-. In response, a cheque for Rs.49,566/- was issued. Thereafter, the petitioner filed another application I.A.No.40 of 1999 claiming further amounts. This application was dismissed holding that an excess amount of Rs.3,000/- and odd was already paid and no further amount was due

to the petitioner.

Aggrieved thereby, the petitioner preferred C.R.P.No.3401 of 2001 which was initially dismissed, but later, on a review filed by the petitioner (being Review C.M.P.No.4572 of 2004), by the order dated 28-06-2004, the review was allowed directing the learned Senior Civil Judge, Wanaparthy to verify the records whether the interest on solatium was paid and, if not, directing the execution Court to calculate the interest on solatium as per the judgment of the Supreme Court and pass appropriate orders within three months from the date of receipt of a copy of the order duly directing the Land Acquisition Officer to deposit the interest on the solatium for the period from the date of notification till the date of deposit of the compensation amount. Thereafter, an order dated 14-10-2004 was passed by the Court below in O.P.No.507 of 1985. Instead of preferring the revisional remedy against the order in O.P.No.507 of 1985, viz. the order dated 14-10-2004 (that the petitioner is not due any amount and he was already paid excess), the petitioner has filed this writ petition.

As the petitioner has available an alternative statutory remedy, this Court is not inclined to adjudicate upon this writ petition.

This writ petition is accordingly dismissed with a liberty to the petitioner to pursue appropriate statutory remedies. In the circumstances no order as to costs.

GODA RAGHURAM, J

15th December, 2006
TSNR/IBL